

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CR No. 4774 of 2015 (O&M)
Date of Decision:-30.05.2016**

Ram Charan

....Appellant(s)

vs.

Chattar Singh and another

....Respondent(s)

CORAM:- HON'BLE MR. JUSTICE K. KANNAN

Present:- Mr. Kapil Khanna, Advocate,
for the petitioner.

Mr. Randeep Singh Rana, Advocate,
for respondent No.1.

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?**
- 2. To be referred to the Reporters or not ?**
- 3. Whether the judgment should be reported in the Digest ?**

K. KANNAN, J. (ORAL)

The revision petition is at the instance of person claiming to hold an agreement of sale from the vendor through a document dated 20.6.2013 in a case instituted by the plaintiff for enforcement of an agreement earlier in point of time, namely, on 20.6.2013. The agreement claimed by the plaintiff as well as the third party relate to the same subject-matter from the same vendor. It will appear that the petitioner, who is a third party, has secured a decree for specific performance and obtained stay of trial of plaintiff's suit.

2. It will be only appropriate that the petitioner is allowed to be brought on record to examine the genuineness of the agreements

and since the plaintiff's agreement admittedly bears a date which is anterior in point of time, the Court shall consider whether it is ante-dated or bears the date on which it was actually executed. While initially, the burden of establishing the genuineness of the plaintiff's agreement dated 20.6.2013 shall be only on the plaintiff, the issue of whether it is ante-dated and brought about subsequent to the agreement dated 20.6.2013 propounded by the petitioner, will be on the petitioner, who is seeking for impleadment.

3. The fact that a decree has been obtained will lend no primacy or can not to be taken as availing superior rights to the petitioner. His own decree will have value only if the plaintiff's agreement is not proved as genuine and proved to be ante-dated.

4. The order dismissing the application for impleadment is set aside and the revision petition is allowed. The petitioner shall file a written statement within a period of four week from the date of receipt of copy of its order.

5. The Court shall frame the issues appropriately in the manner indicated above and allow for cross-examination of the plaintiff through the newly impleaded party and proceed for further progress of trial in accordance with law.

6. The civil revision petition is allowed with the above observations.

May 30, 2016
poonam

(K. KANNAN)
JUDGE